

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

June 22, 2000

The Board of Education and the Board of Vocational Education met for the regular business meeting in House Room D at the General Assembly Building, Richmond, Virginia, with the following members present:

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| Mr. Kirk T. Schroder, President | Mrs. Susan L. Genovese |
| Ms. Susan T. Noble, Vice President | Mrs. Ruby W. Rogers |
| Senator J. Brandon Bell | Senator John W. Russell |
| Mrs. Jennifer Byler | |
| Mr. Mark Christie | Dr. Jo Lynne DeMary |
| Mrs. Audrey B. Davidson | Superintendent of Public Instruction |

Mr. Schroder called the meeting to order at 9:14 a.m.

CEREMONY TO ADMINISTER THE OATH OF OFFICE

In a brief ceremony, Dr. Jo Lynne DeMary was sworn in as Superintendent of Public Instruction by the Secretary of the Commonwealth, Anne P. Petera. Joining Dr. DeMary for the ceremony were her husband, Tony DeMary, her son John, and daughter Stephanie.

The Honorable Wilbert Bryant, Secretary of Education said, "There are over 85,000 teachers in Virginia, and the great majority of them are women. Jo Lynne's appointment sends a very positive message to the people of the Commonwealth."

Mr. Kirk Schroder, president of the Board of Education said, "All of us who work with Jo Lynne know what a great person she is and for her to assume the top educator post in Virginia is a fitting tribute to her three decades of work in public education."

Secretary of the Commonwealth, Anne Petera said, "It is important to underscore the significance of a woman being appointed to the post, but it must also be said that she is without a doubt the best qualified person for the job."

APPROVAL OF THE MINUTES

Mrs. Rogers made a motion to approve the minutes of the May 26 meeting. Copies of the minutes had been distributed previously to all members of the Board for review. The motion was seconded by Mrs. Genovese and carried unanimously.

APPROVAL OF AGENDA

The following items were moved to the Consent Agenda: *Item H, First Review of Proposed Remedial Education Regulations (8 VAC 20-630); Item I, First Review of a Request for Additional Graduation Requirements; Item K, First Review of ABTEL's Recommendation to Establish a Cut-Score for the School Leaders Licensure Assessment for Virginia; and Item M, First Review of ABTEL's Recommendation to Continue the Approval of the Virginia State University Teacher Education Program Based on the State/NCATE Review and Evaluation.*

Mrs. Rogers made a motion to approve the amended agenda. The motion was seconded by Mrs. Noble and carried unanimously.

APPROVAL OF CONSENT AGENDA

The motion was made by Mrs. Rogers, seconded by Mr. Christie, and carried unanimously for approval of the following items on the consent agenda.

- Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List
- Final Review of Recommendations Concerning Applications for Literary Fund Loans
- Final Review of Financial Report on Literary Fund
- Final Review of Notice of Intended Regulatory Action (NOIRA) to Amend 8 VAC 20-21: Regulations Governing Licensure for School Personnel to Establish a "Career Switcher" Alternative Route to Licensure
- First Review of Proposed Remedial Education Regulations (8 VAC 20-630)
- First Review of a Request for Additional Graduation Requirements
- First Review of ABTEL's Recommendation to Establish a Cut-Score for the School Leaders Licensure Assessment for Virginia
- First Review of ABTEL's Recommendation to Continue the Approval of the Virginia State University Teacher Education Program Based on the State/NCATE Review and Evaluation

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List

The Department of Education's recommendation is that funds be released for four projects in the amount of \$13,790,000 and that funding for seven projects in the amount of \$23,400,000 be deferred and the projects placed on the First Priority Waiting List. These recommendations were accepted by the Board of Education's vote on the consent agenda.

Final Review of Recommendations Concerning Release of Literary Fund Loans for Placement on Waiting List (continued)

| COUNTY, CITY, OR TOWN | SCHOOL | AMOUNT |
|-----------------------|---------------------------|------------------------|
| Stafford County | Stafford Lakes Elementary | \$7,500,000.00 |
| Shenandoah County | W. W. Robinson Elementary | 3,069,000.00 |
| Shenandoah County | Sandy Hook Elementary | 1,934,000.00 |
| Shenandoah County | Ashby Lee Elementary | 1,290,000.00 |
| | TOTAL | \$13,790,000.00 |

First Priority Waiting List

| COUNTY, CITY, OR TOWN | SCHOOL | AMOUNT |
|-----------------------|----------------------------|------------------------|
| Petersburg City | Petersburg High School | \$1,000,000.00 |
| Patrick County | Patrick Springs Primary | 900,000.00 |
| Halifax County | Clays Mill Elementary | 2,500,000.00 |
| Halifax County | Sydnor Jennings Elementary | 3,500,000.00 |
| Halifax County | Scottsburg Elementary | 4,000,000.00 |
| Lynchburg City | Sheffield Elementary | 4,000,000.00 |
| Campbell County | Rustburg High School | 7,500,000.00 |
| | TOTAL | \$23,400,000.00 |

Final Review of Recommendations Concerning Application for Literary Fund Loans

The Department of Education's recommendation for approval of seven new applications in the amount of \$23,400,000 subject to review and approval by the Office of the Attorney General pursuant to Section 22.1-156, *Code of Virginia*, was accepted by the Board of Education's vote on the consent agenda.

| COUNTY, CITY, OR TOWN | SCHOOL | AMOUNT |
|-----------------------|----------------------------|------------------------|
| Petersburg City | Petersburg High School | \$1,000,000.00 |
| Patrick County | Patrick Springs Primary | 900,000.00 |
| Halifax County | Clays Mill Elementary | 2,500,000.00 |
| Halifax County | Sydnor Jennings Elementary | 3,500,000.00 |
| Halifax County | Scottsburg Elementary | 4,000,000.00 |
| Lynchburg City | Sheffield Elementary | 4,000,000.00 |
| Campbell County | Rustburg High School | 7,500,000.00 |
| | TOTAL | \$23,400,000.00 |

Final Review of Financial Report on Literary Fund

The Department of Education's recommendation to approve the financial report on the status of the Literary Fund as of April 30, 2000 was accepted by the Board of Education's vote on the consent agenda.

First Review of Notice of Intended Regulatory Action (NOIRA) to Amend 8 VAC 20-21 Regulations Governing Licensure for School Personnel to Establish a “Career-Switcher” Alternative Route to Licensure

The Department of Education’s recommendation to waive first review and approve the NOIRA to amend the Licensure Regulations for School Personnel to establish an alternative route to licensure for all career fields was accepted by the Board of Education’s vote on the consent agenda.

First Review of Proposed Remedial Education Regulations

The Department of Education’s recommendation to receive the proposed regulations for first review was accepted by the Board of Education’s vote on the consent agenda. The proposed regulations were approved to go to the next step in the Administrative Process Act (APA) procedures.

First Review of a Request for Increased Graduation Requirements

The Department of Education’s recommendation to waive first review and approve the request from Dickenson County Public Schools for additional requirements for graduation in the form of two additional electives for students seeking a Standard Diploma or Advanced Studies Diploma was accepted by the Board of Education’s vote on the consent agenda.

First Review of ABTEL’s Recommendation to Establish a Cut-Score for the School Leaders Licensure Assessment for Virginia

The Department of Education’s recommendation to approve ABTEL’s recommendation that a qualifying score (cut-score) for the School Leaders Licensure Assessment be established after requiring the assessment of a three-year period for data collection purposes, and that effective July 1, 2001, individuals seeking the administrative and supervisory endorsement who do not complete a full-time internship must take the assessment was accepted by the Board of Education’s vote on the consent agenda.

First Review of ABTEL’s Recommendation to Continue the Approval of the Virginia State University’s Teacher Education Program Based on the State/NCATE Review and Evaluation

The Department of Education’s recommendation to accept the ABTEL recommendation and approve continued accreditation for the teacher preparation program at Virginia State University was accepted by the Board of Education’s vote on the consent agenda.

RESOLUTIONS

Resolutions of Appreciation were presented to the following members of the Writing Team for the Standards of Learning for Foreign Language:

Consultant

Martha G. Abbott, Fairfax County Public Schools

French

Valerie P. Goss, Henrico County Public Schools

Mignonne Holz, Manassas City Public Schools

German

Brenda Anderson Goff, Bedford County Public Schools

Latin

Cathy P. Daugherty, Hanover County Public Schools

Rollin David Larrick, Albemarle County Public Schools

Vickie F. Scaggs, Chesterfield County Public Schools

David E. Winn, Spotsylvania County Public Schools

Spanish

Sylvia Kladakis, Fairfax County Public Schools

Sheila Wands Cockey, King George County Public Schools

Katy Myers, Fauquier County Public Schools

Mimi Stapleton, Virginia Tech

Maria Faith Still, Virginia Beach City Public Schools

Members of the Committee Not Able to Attend the Meeting

Glenda Cash, Lynchburg City Public Schools

John McCarty Freeman, Pulaski County Public Schools

Sally S. Goodhart, Gloucester County Public Schools

Susan Temple, Franklin County Public Schools

Deborah M. Hershman, Loudoun County Public Schools

Stephen W. Lambert, Rockingham County Public Schools

Lela A. Morris, Richmond City Public Schools

Diann M. Nickelsburg, Virginia Beach City Public Schools

Sandra Spengeman, Franklin City Public Schools

Robert M. Terry, University of Richmond

Department of Education Staff

Dr. Linda Wallinger, Principal Specialist of Foreign Language and ESL

A Resolution of Recognition was also presented to Dr. Mary Etta Brown, Principal of Paul D. Burbank Elementary School in Hampton, and recently named as Virginia's National Distinguished Principal for 2000.

ACTION/DISCUSSION ITEMS

Report on Stanford 9 Test Scores

Mrs. Cam Harris, Assistant Superintendent of Assessment at the Department of Education, presented this item. Mrs. Harris reported on the results of the fall 1999 Stanford Achievement Test. The Stanford 9 Achievement Test is administered annually in grades 4, 6, and 9. A nationally normed test, the results of the Stanford provide a measure of the performance of Virginia's students compared to a national sample of similar students. Tests are administered in the areas of Reading, Mathematics, and Language. Local school divisions have the option to also administer the Social Studies and Science subtests at no local cost. The Board received the report.

Final Review of Proposed Foreign Language Standards of Learning

Dr. Linda Wallinger, Foreign Language Specialist at the Department of Education, presented this item. Dr. Wallinger reported that the Foreign Language Standards of Learning identify essential content, processes, and skills for each level of language learning in Virginia's secondary schools. Five sets of Standards of Learning are included in the proposed foreign language document. These include: Modern Foreign Language Standards of Learning, a generic set of standards that serve as the common basis for the language-specific standards and which may be adapted for other modern languages; French Standards of Learning; German Standards of Learning; Spanish Standards of Learning; and Latin Standards of Learning.

Mrs. Davidson made a motion to adopt the proposed Foreign Language Standards of Learning. Mrs. Rogers seconded the motion and carried unanimously.

Dr. DeMary noted that Dr. Wallinger has been recognized as a Fulbright Scholar that will enable her to travel to Germany.

Final Review of the Proposed Bylaws for the Board of Education

For purpose of discussion, Ms. Noble made a motion to adopt the bylaws. Mrs. Rogers seconded the motion.

Senator Bell said he sent the following suggestion to Mrs. Diane Atkinson to be considered and inserted in the bylaws: The by Laws require that all matters to be acted on by the Board would have to be in the hands of all members at least seven days in advance. Action on any item without this advance notice would require unanimous vote by the Board. Dr. DeMary said that Mrs. Atkinson suggested that this language be added to Article Seven as Section 2, Action on Items.

Mr. Schroder read the following language: *The materials including the boilerplate and any appropriate background materials for each item requiring Board action must be provided to all members not less than seven days before the meeting in which first review*

has been scheduled. The Board may waive this requirement for advance receipt of materials only by unanimous vote of the board members.

There was a short discussion on the number of days for members to receive materials requiring action. The Board expressed its wish that members receive information at least five days in advance of the meeting where the first review is scheduled. Ms. Noble made a motion to specify the time for receipt of materials requiring action be at least five days in advance of the meeting where first review is scheduled. Mrs. Byler seconded the motion.

Mr. Schroder read the amended language, which will be a new Section 2—Action on Items, under Article Seven: *The materials including the boilerplate and any appropriate background materials for each item requiring board action must be provided to all members not less than five days before the meeting in which first review has been scheduled. The board may waive this requirement for advance receipt of materials only by a unanimous vote of the board members present at the meeting considering such item.* The board members accepted the language as a friendly amendment from Senator Bell.

Mrs. Byler directed board members' attention to Article Three, Section 7—Notices of Meeting. The following language was suggested for #3: *when it is sent via telecopier or electronic mail transmission to the telecopier number or electronic mail address of such Board member, and the sender has received confirmation from the Board member that such transmission has been received. Written notice stating the place, day, and hour of any meeting of the members of the board shall be provided to the public at least three working days prior to the meeting. The notice shall state whether or not public comments will be received at the meeting and, if so, the approximate point during the meeting when public comments will be received.*

Mrs. Byler made a motion to exclude Article Ten—Student Advisory Committee, from the bylaws because it is previously covered under Article Nine—Committees. Senator Russell seconded the motion. The motion failed with a vote of 4 to 4. Mr. Christie abstained because he was not at the previous Board meeting.

Senator Bell directed attention to a typo in the last sentence of Article Thirteen—Amendments: *The requirement for a first and final review at two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.*

The Board adopted the bylaws as amended with a vote of 6 to 2 with one abstention. The full text of the bylaws is as follows:

**BYLAWS
OF THE
VIRGINIA BOARD OF EDUCATION**

In accordance with Section 22.1-16 of the Code of Virginia of 1950, as amended, (the "Virginia Code"), the Virginia Board of Education (the "Board") hereby adopts the following bylaws, effective as of the date and authorized signature below, for its own government and to promulgate such regulations as may be necessary to carry out its powers and duties.

ARTICLE ONE: PURPOSE

In accordance with Article VIII, Section 4, of the Constitution of Virginia, the general supervision of the public school system in the Commonwealth of Virginia shall be vested in the Board of Education.

ARTICLE TWO: MEMBERSHIP

Section 1. Composition. The Board shall consist of nine members appointed by the Governor of Virginia, subject to confirmation by the General Assembly of Virginia.

Section 2. Term of Membership. Every appointment to the Board shall be for a term of four years, except that appointments to fill vacancies other than by expiration of a term shall be for the unexpired terms. No member of the Board shall be appointed to more than two consecutive four-year terms.

ARTICLE THREE: OFFICERS

Section 1. President. The President of the Board shall be elected by a majority of the Board members, shall preside over meetings of the Board, and shall have all powers and duties as necessary to fulfill the role of chief executive of the Board and its presiding officer and as may be, from time to time, conferred or prescribed by the Board. The President shall exercise supervision and direction over the Board's goals and affairs and discharge all duties generally pertaining to such office as the executive head of an organization of this character, subject to the control of the Board members. The President shall appoint members of the Board to serve on standing committees and appoint special committees with non-Board members as deemed necessary. The President shall be elected from the Board membership for a term of two years. The President may succeed himself or herself. The election of the President shall be by a recorded vote.

Section 2. Vice President. The Vice President shall have such powers and perform such duties as may from time to time be conferred or prescribed by the Board. In the absence of the President, the Vice President shall discharge all such executive duties of the office of President. The Vice President shall be elected from the Board membership for a term of two years. The Vice President may succeed himself or herself. The election of the Vice President shall be by a recorded vote.

Section 4. Secretary. In accordance with Section 22.1-23 of the Virginia Code, the Superintendent of Public Instruction shall serve as Secretary of the Board and shall perform such other duties as the Board may prescribe. The Secretary shall attend all meetings of the Board and record all votes and the proceedings of the meetings in a book to be kept for that purpose and shall perform like duties for any other committees, if required. The Secretary shall give, or cause to be given, notice of all meetings of the Board, and shall perform such other duties as may from time to time be prescribed by the Board or the President, under whose supervision he or she shall act. The Secretary shall have custody of the seal of the Board, and the Secretary, or an Assistant Secretary, shall have authority to affix the same to any instrument requiring it, and when so affixed, the seal may be attested by his or her signature or by the signature of such Assistant Secretary. The Board may give general authority to any other officer to affix the seal of the Board and to attest the affixing thereof by his or her signature.

Section 5. Other Officers. Additional officers, in the discretion of the Board, may be elected from time to time to perform such duties and undertake functions designated by the Board.

ARTICLE FOUR: MEETINGS

Section 1. Annual Meeting. The first meeting after February 1 shall be designated as the annual meeting of the Board. At the annual meeting, the members shall elect the President and Vice-President for any expired terms, in even-numbered years. At the annual meeting, the members shall also consider any other business that may properly come before the Board.

Section 2. Regular Meetings. Prior to and no later than the annual meeting, the Board shall adopt a tentative schedule for regular meetings for the applicable calendar year. Such schedule shall be subject to the change, alteration, or adjustment by the President as he or she deems appropriate, to accommodate the operation of the Board.

Section 3. Special Meetings. A special meeting of members may be called by the President in his or her sole discretion, and shall be called by the President (or in the absence of the President, the Vice President or Secretary) upon written request to the Secretary by five or more members of the Board. No business other than that specified in the notice of the meeting shall be transacted at any special meeting of the Board.

Section 4. Place of Meetings. Annual and regular meetings of the Board shall ordinarily be held at the office of the Superintendent of Public Instruction. The Board may hold annual and regular meetings at such other place or places, for any time period, within the Commonwealth of Virginia, as designated in advance by the President, or in the absence of the President, by the Vice President.

Section 5. Adjournment. Any duly called meeting of the Board may be adjourned to a later time and place, determined by the Board members present, whether such members constitute a quorum for transaction of business, provided that such time and place are announced at the meeting. No other notice of the adjourned meeting shall be required.

Section 6. Voting Proxies. At meetings of the Board, all members present shall be entitled to exercise voting rights on all matters. Members not present at a meeting shall not be entitled to vote by proxy.

Section 7. Notices of Meetings. Written notice stating the place, day, and hour of any meeting of the members, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each Board member not less than 10 days before the date of the meeting by or at the direction of the President, or the Secretary, or the persons calling the meeting. A notice shall be deemed duly given to a Board member when it is: (1) adopted by the Board as part of its tentative regular meeting schedule and is not subsequently changed or altered in accordance with Article 4, Section 2 above, or (2) delivered in person or mailed, postage-prepaid, to the address of such Board member as it appears on the records of the Board, or (3) when it is sent via telecopier or electronic mail transmission to the telecopier number or electronic mail address of such Board member, and the sender has received a confirmation from the Board member that such transmission has been received. Written notice stating the place, day, and hour of any meeting of the members of the board shall be provided to the public at least three working days prior to the meeting. The notice shall state whether or not public comments will be received at the meeting and, if so, the approximate point during the meeting when public comments will be received.

Section 8. Voting and Quorum. Each member of the Board shall be entitled to one vote with respect to each matter voted on by the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. Except as expressly provided otherwise in these bylaws, the vote of a majority of the Board members present at any meeting at which a quorum is present shall be the act or resolution of the Board.

Section 9. Conflict of Interest. In any case where a member has a personal interest in a particular vote of the Board, such member(s) shall excuse himself or herself from the vote of the Board.

Section 10. Waiver. Whenever any notice is required to be given under the provisions of law or these bylaws, a written waiver thereof, signed by the person or persons entitled to such notice and filed with the records of the meeting, whether before or after the time stated therein, shall be conclusively deemed to be equivalent to such notice. In addition, any member who attends a meeting of the Board without protesting at the commencement of the meeting such lack of notice shall be conclusively deemed to have waived notice of such meeting.

ARTICLE FIVE: EXECUTIVE SESSIONS

The Board may decide to go into executive session at any of its meetings in accordance with the laws of the Commonwealth of Virginia. Prior to such action, the Board must adopt a motion to go into executive session. The Board shall discuss only matters in an executive session as specified by the Virginia Freedom of Information Act or other applicable law. The Board may take no final action on any item in executive session. At the conclusion of any executive session, the Board must reconvene in public session and take a vote of the membership to come out of executive session.

ARTICLE SIX: RESOLUTIONS OF BOARD

All resolutions adopted by the Board shall be signed by the President and shall remain in effect until repealed, amended, or otherwise suspended by subsequent resolution. The Secretary shall maintain an appropriate record of all Board resolutions in effect and make such record available to the Board and the public upon request.

ARTICLE SEVEN: AGENDA FOR MEETING

The Board will have a published agenda for all regularly scheduled public meetings. Items may be placed on the agenda by the Superintendent of Public Instruction or any member of the Board through the President of the Board. Final decision on the placement of items on the agenda will be made by the President of the Board.

ARTICLE EIGHT: CONSENT AGENDA/BOARD REVIEW PROCEDURES

Section 1. Consent Agenda The President or presiding officer may place any item on the consent agenda for the applicable Board meeting. Items may also be placed on the consent agenda by majority vote of the Board. The consent agenda shall be adopted by a majority vote of the Board. Such item may be removed from the consent agenda by any Board member wishing to have it placed on the regular Board meeting agenda.

Section 2. Action on Items Items that are not placed on the consent agenda but which require the Board's action must be reviewed by the Board at two separate meetings. Such review shall consist of a first review and a final review. Action may be taken on an item when it is brought to the Board for final review. The Board may waive the requirement for two separate reviews of any agenda item by majority vote. The materials, including the boiler plate and any appropriate background materials, for each item requiring Board action must be provided to all members not less than seven days before the meeting in which first review has been scheduled. The Board may waive this requirement for advance receipt of materials only by unanimous vote of the Board members present.

ARTICLE NINE: COMMITTEES

Section 1. Standing and Special Committees. The Board may create standing committees composed of Board members and non-Board members, as it shall deem appropriate, and impose upon such

committee or committees such functions and duties, and grant such rights, powers, and authority as the Board shall prescribe. The President shall appoint all members to serve on standing committees. Special committees of the Board may be established and appointed by the President for specific assignments. All special committees shall report their findings and recommendations to the Board. All special committees shall dissolve upon the completion of their stated assignment or by act of the President.

Section 2. Advisory Committees. Advisory committees may be created by the Board for special purposes to include, but not be limited to, federal and state-mandated committees. An advisory committee shall be composed of persons who represent the views and interests of the general public and who are known to be qualified to perform their duties. Personnel of the Department of Education may be appointed to the committee, as members or as consultants. All appointments to an advisory committee shall be made by the Board upon the recommendations of the Superintendent of Public Instruction.

Each committee shall be instructed as follows:

1. The length of time each member is being asked to serve;
2. The service the Board wishes the committee to render, the extent and limitations of its responsibilities;
3. The resources the board will provide;
4. The approximate dates on which the Board wishes to receive reports; and
5. The responsibilities for the release of information.

The Board possesses legal powers and prerogatives that cannot be delegated or surrendered to others; therefore, all recommendations of an advisory committee must be submitted to the Board for action. The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time.

ARTICLE TEN: STUDENT ADVISORY COMMITTEE

The Board shall have a standing Student Advisory Committee consisting of twelve students at the junior or senior grade level in Virginia public schools, the President, the Secretary and two members of the Board appointed by the President. Student members shall be selected by a committee of the Board appointed by the President. Such student membership shall consist of one member from each of the eight Superintendents Regions in the Commonwealth and four members-at-large. The President shall preside over all meetings of the Student Advisory, which shall meet at least four times a year, with one meeting to coincide with a regularly scheduled Board meeting.

ARTICLE ELEVEN: PUBLIC PARTICIPATION

Citizens of the Commonwealth are encouraged to attend all Board meetings, except executive sessions as defined by the Freedom of Information Act, and may record the proceedings in writing or by using a recording device. The Board is not required to allow citizens to speak at every meeting, but will seek to do so as appropriate. Opportunities will be provided, at the discretion of the Board President, for individuals or citizens representing a group or groups to appear on the agenda of a regular meeting or work session of the Board. Requests to appear before the Board or one of its committees shall be made in writing 10 days before a scheduled meeting of the board and must include the subject to be discussed and the name of the speaker. The 10 days may be waived by the President or committee chairperson if the item is on the agenda. In honoring such requests, the Board will limit such presentations to three minutes for individuals and five minutes for citizens representing a group, unless an extension is granted by the President or committee chairperson.

ARTICLE TWELVE: BOARD OPERATIONS

Section 1. Promulgation and Adoption of Regulations. The Board shall promulgate such regulations as may be necessary to carry out its powers and duties. Regulations recommended for adoption

by the Board shall be promulgated in accordance with the Administrative Process Act and Virginia Register Act, as well as any applicable Executive Order by the Governor.

Section 2. Contracts. The President and Secretary of the Board shall sign all contracts and agreements entered into by the Board unless the Board delegates to a specific person other than these two officers.

Section 3. Official Papers. All official records of the Board shall be open for inspection. Further, the official records of the Board shall be kept on file in the Department of Education for a period of five years, after which the record shall be maintained in accordance with the Records Retention and Disposition Schedule prescribed by the Library of Virginia.

Section 4. Compensation and Expenses. Members of the Board may receive a per diem, or portion thereof, in an amount set by the General Assembly while attending regular and special meetings of the Board or while participating in Board-related activities. The members of the Board may receive reimbursement for reasonable expenses incurred while attending meetings of the Board or any committee thereof, or in performing duties as a member of the Board. Board members are encouraged to attend at least one regional or national meeting per year related to the responsibilities of the Board of Education. Reimbursement will be available for expenses to attend such meetings.

ARTICLE THIRTEEN: AMENDMENTS

These bylaws may be altered, amended, or repealed only by a vote of at least seven members of the Board after a first and final review has been completed in two separate meetings. The requirement for a first and final review at two separate meetings may not be waived by the Board, unless such waiver is approved by every member of the Board.

ARTICLE FOURTEEN: MISCELLANEOUS

Section 1. Addresses. The addresses and/or telephone numbers used in any notice given under the bylaws shall be those appearing on the books of the Board, and it shall be the individual member's responsibility to insure that the Secretary has the correct address.

Section 2. Robert's Rules. Except as otherwise stated herein, all meetings of the Board shall be governed by the current edition of Robert's Rules of Order.

Section 3. Gender. All personal pronouns used in these bylaws, whether used in the masculine, feminine, or neuter gender, shall include all other genders, the singular shall include the plural, and vice versa, as the context may require.

Section 4. Repeal of All Previous Acts. All previous enactments of the Board's bylaws prior to the date set forth below are hereby repealed and declared null and void.

Section 5. Copy to All Members. The Board hereby directs the Secretary to provide all Board members with current copy of these bylaws and all amendments thereto.

The undersigned, being the duly elected President of the Virginia Board of Education, hereby certifies that the foregoing bylaws were duly adopted by its members as of the date and signature below.

Adopted this 22nd Day of June, 2000

Kirk T. Schroder, President

First Review of Proposed Passing Scores for the SOL World Geography Test

The Board of Education directed the development of an additional SOL test in Social Studies at the high school level to assess the standards of Learning in World Geography. A committee of 12 Virginia educators was convened to review the actual test and follow the Modified-Angoff procedure to develop a recommended range of scores for the Proficient rating. The score range recommended for Proficient is 21-36. The score range for Advanced is 40-54.

Mr. Christie made a motion for a range of 29 for the Proficient rating. Mrs. Byler seconded the motion. Mr. Schroder presented a friendly amendment of 28 for the Proficient rating. The motion was made to adopt 28 as the score for Proficient rating on the World Geography SOL Test. The motion carried with one opposed.

Mr. Christie made a motion for a range of 49 for the Advanced rating. Mrs. Byler seconded the motion. The motion carried unanimously.

Informational Report on Foreign Language Education in Virginia: Foreign Language Association of Virginia and the Virginia Foreign Language Supervisors' Association

Mrs. Norah Jones, president of the Foreign Language Association of Virginia presented this item. Mrs. Jones' presentation included recognition of exemplary foreign language programs in Virginia. The Foreign Language Association of Virginia and the Virginia Foreign Language Supervisor's Association represent the interests of foreign language students and educators in Virginia. In anticipation of the Board's adoption of the proposed Foreign Language Standards of Learning, these organizations requested time on the agenda to support the proposed standards and to highlight the value of foreign language instruction for the young people of Virginia.

The following students made presentations:

Andy Armstrong, Varina High School, Henrico County
Stephen Vidonic, Manchester High School, Chesterfield County
Kathryn Morris, Thomas Dale High School, Chesterfield County
Scott Neas, former student, now teacher, Hampton City Schools (Governor's German Academy)
Morgan Moroney, Great Falls Elementary School, Fairfax County
Ryan Rudzinski, Great Falls Elementary School, Fairfax County

First Review of Requests for a Waiver of the Requirement of 8 VAC 20-131-110 of the Regulations Establishing Standards for Accrediting Public Schools in Virginia

Mr. Charles Finley, Assistant Superintendent of Accountability at the Department of Education, presented this item. Mr. Finley introduced Holly Hist and Judy Newhouse from Prince William County and Becky Fisher from Albemarle County.

The Prince William County Public Schools are seeking approval of a waiver of the 140 instructional-hour provision in 8 VAC 20-131-110 of the standards to allow some students in middle and high school to take online high school courses for graduation credit that will be identical in content to the courses in the regular school programs offered in the division.

The Albemarle County Public Schools are seeking approval of a waiver of the same provision to implement a technology-based 11th grade English course for their 2000 Regional Summer School Program. The course, being developed locally, will be comparable in content to the course offered during the regular school year by Albemarle County and will meet the requirements of the Standards of Learning for 11th grade English.

Mr. Schroder suggested that Albemarle and Prince William come back in April of 2001 with data showing how the program is working. The Board approved Mr. Schroder's suggestion for Albemarle and Prince William to report back in April 2001.

The Albemarle representatives said they could report back to the Board in October 2000. The Prince William representatives said they would be able to report back to the Board in June 2001.

The Board waived first review. Mrs. Davidson made a motion for Albemarle to report back to the Board in October 2000 and for Prince William to report back to the Board in June 2001 for reapproval on the basis of evaluation and data collected on the programs. Senator Russell seconded the motion. The motion carried unanimously.

Annual Report of State Special Education Advisory Committee

Dr. Thomas W. D. Smith, Chair of the State Special Education Advisory Committee (SSEAC) presented this item. The SSEAC is a federally mandated panel comprised of individuals with disabilities, teachers, parents, state and local officials, and local administrators. The Individuals with Disabilities Education Act (IDEA) requires that the committee submit an annual report to the state education agency.

The SSEAC spent a majority of this year formulating its comment to the Board regarding the proposed Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8 VAC 20-80). The committee identified over 307 issues through both individual and group discussion. Members who could not support specific recommendations were invited to express concerns. These concerns were addressed by amending the recommendation or by not making the recommendation. A consensus was required for all recommendations. The accepted definition of consensus was agreement among a group of people to the extent that all persons can live with and support a decision after: 1) individual concerns have been expressed and heard, and 2) the decision has been based on all expressed concerns.

The SSEAC identified four outcomes for making recommendations as follows: (1) to satisfy Federal requirements to report to the Board of Education and State Superintendent of Public Instruction; (2) to report to our constituents that certain areas were of higher priority than other areas; (3) to provide leadership to the State on the issues of concern; and (4) to encourage the Board of Education to influence the Virginia Department of Education's response to the SSEAC's recommendations.

The committee identified five types of decisions. They are: (1) consensus to recommend a change in the proposed regulations; (2) consensus to recommend that the Virginia Department of Education provide clarification through policy, guidance, or training activities; (3) consensus not to recommend a change in the proposed regulations; (4) no consensus to recommend a change in the proposed regulations or for the Virginia Department of Education to develop policy, guidance or training; and (5) insufficient information existed on the nature of the issue on which to base decision.

Of these decisions, there was consensus to recommend amendments regarding 107 issues, consensus to recommend technical assistance on 22 issues, consensus not to recommend amendments on 84 issues, no consensus on 16 issues and insufficient information on 8 issues. Areas with the highest number of issues were eligibility, individualized education program, discipline procedures and procedural safeguards.

The SSEAC met in September 1999 to address a request by the Board to discuss issues regarding the participation of students with disabilities in the Standards of Learning (SOL) Assessments and how these results should be treated under the Standards of Accreditation. Following are the SSEAC's recommendations:

1. Revisit the existing list of accommodations for the SOL assessments that do not change the nature of the test. Now that these assessments have been administered several times, it would be appropriate to determine whether the accommodations put in place actually assist the student with a disability in performing up to his/her ability on these assessments.
2. Administer SOL tests given at grades 3, 5, and 8 on a more frequent basis. Tests could be given annually rather than every three years. This would allow for a better understanding of the student's abilities and knowledge.
3. Break both grade level assessments and the end of the course tests into smaller chunks so that students could be assessed as they master the subject matter and not have to wait a long period of time between instruction and assessment. Given the criterion measurement nature of the SOL assessments, this would again allow for a better understanding of the student's abilities and knowledge.
4. Investigate and develop computer-assisted versions of the SOL assessments. This would assist in the participation and performance of the maximum number of students as well as facilitate recommendation #3.

5. Develop an alternate version of the current SOL assessments that is SOL-based but that would assess student performance by means other than a pencil and paper test. The results of this assessment would count the same as the current SOL assessment both for the individual student and the school. This would assure that the measurement of a student's performance is not hindered by his/her disability.
6. Allow out-of-grade level SOL assessment based upon the recommendation of the individualized education program (IEP) team. Aggregate and use these scores at the state level under a continuous progress assessment model-tracking the scores to observe that students make progress toward the Standards of Learning objectives. This would better match the student's pacing and content needs with the assessment process. Explore how this would be handled in the School Report Card and the Standards of Accreditation accountability process.

In considering these recommendations, the SSEAC believes that the level of participation of a student with a disability in the SOL Assessments should be a decision of that student's IEP team. The SSEAC also believes that the student's performance should be part of the accountability process under the Standards of Accreditation as is any other student's performance.

Dr. Smith said the SSEAC supports that Board of Education's initiative to establish a Basic Diploma for secondary students with disabilities. This is an important alternative for those students with disabilities who, even with appropriate interventions, accommodations, and remediation, are unlikely to meet the requirements for a standard diploma. The emphasis on a program of studies aimed at occupational skills and basis competencies in English and mathematics should help prepare these students for employment directly upon high school graduation.

Dr. Smith said that the SSEAC has reviewed teacher licensure issues and expressed concern about endorsement procedures particularly in the area of vision and hearing services. The SSEAC recommends that further study be conducted regarding the Department of Education's plans to increase the supply of these teachers through training and personnel programs using a distance-learning format.

The Board requested the Superintendent of Public Instruction and DOE staff to conduct a review and revise the current accommodations being provided for testing.

Dr. Smith informed the Board that this would be his last presentation as chairman of the SSEAC. He introduced Mr. Rick Brigham who will be the new chair of the SSEAC. Mr. Brigham has been on the committee for a year, he has been a teacher, local director, and an effective advocate for young people with disabilities. The Board applauded Mr. Brigham.

After Dr. Smith's presentation, the Board presented a Resolution of Appreciation to Dr. Smith for his dedication and outstanding service working with the State Special Education Advisory Committee.

Report on the Status of the Virginia Alternate Assessment Program

Mr. Doug Cox, Director of Special Education at the Department of Education, presented this item. The 1997 Amendments to the Individuals with Disabilities Education Act (IDEA) require that each state develop a system of alternate assessment for children with disabilities who cannot participate in state and district-wide assessment programs. Department staff updated the Board about this initiative in June 1999. Significant progress has been made since that time. The purpose of this presentation is to advise the Board on the work that has been done during the past year and the expected next steps.

The status report included an executive summary of accomplishments to date; a list of steering committee members; a statement of philosophy and purpose; guidelines participation of students in the alternate assessment program; and a question/answer document. The Board received the report.

First Review of ABTEL's Recommendation to Establish Cut-Scores for the Praxis II Middle School Content Assessments in English, Mathematics, Science, and History/Social Studies

Dr. Thomas Elliott, Assistant Superintendent, Teacher Education and Professional Licensure at the Department of Education, presented this item. Since 1981, the Board of Education has prescribed an assessment for beginning teachers as required by the *Code of Virginia*. From 1981 to 1996, the prescribed assessment was the National Teacher Examinations. In the fall 1993, the Education Testing Service (ETS) introduced a new generation of teacher assessments—The Praxis Series: Professional Assessments for Beginning Teachers. The Praxis Series, which provides a continuum of assessments from entry into a teacher preparation program to actual practice in the classroom, consists of the following tests:

Praxis I—Academic Skills Assessments: This test assesses basic proficiency in reading, mathematics, and writing and is designed to assess a candidate's basic skills at the time the decision is made in college to become a teacher.

Praxis II—Subject Assessments: This test assesses subject knowledge of the teaching area and involves demonstrating mastery in the content area.

Praxis III—Classroom Performance Assessment: This test assesses a beginning teacher's ability to apply knowledge of subject matter and the basic principles of teaching in an actual classroom setting, usually during the first three years of teaching.

The Board approved the use of Praxis I and II tests; however, Praxis III was not adopted for statewide use. At its October 26, 1995 meeting, the Board of Education approved the following passing scores for the Praxis I tests: Reading-178; Writing-176; and Mathematics-178. These scores continue to be the highest qualifying scores for

Praxis I among the 34 states using this assessment.

In 1999, the Board approved cut-scores on 16 subject content tests that became effective July 1, 1999. The Educational Testing Service (ETS) has introduced new assessments in middle school English language arts, middle school mathematics, middle school science, and middle school social studies. Each test is composed of two parts—multiple choice questions and constructed response questions.

The 1998 Licensure Regulations for School Personnel, aligned with the *Standards of Learning*, set forth new requirements for the middle education 6-8 teaching endorsement. This revision required that applicants complete a minimum of 21-semester hours of content course work in two teaching areas of concentration. These two areas of concentration are selected from the core academic areas of English, mathematics, science and history and social science and are designated on the license. Individuals are allowed to teach only in their areas of concentration. To ensure that teachers have the required subject knowledge and mastery of the content areas, individuals seeking the middle education 6-8 endorsement will be required, if approved by the Board of Education, to meet cut scores on the ETS Middle School Content Assessments in two areas of concentration.

The Board waived first review. After discussion, Mr. Christie made a motion to accept ABTEL's recommendation and establish cut-scores for the ETS Middle School Content Praxis II tests to become effective July 1, 2001. The motion was seconded by Mrs. Genovese and carried with a vote of 8 to 1.

Public Hearing on the Proposed Revisions to the Regulations Governing Licensure for School Personnel (American Sign Language Provisions and the Military Alternate Route Provisions) and the Regulations Governing Substitute Teachers

Ms. Noble presided. The Board of Education meeting recessed at 2:30 p.m. to hear comments from speakers attending the public hearing on the proposed revisions to the Regulations Governing Licensure for School Personnel (American Sign Language provisions and the military alternate route provisions) and the Regulations Governing Substitute Teachers.

First Review of Appointments to the Advisory Board on Teacher Education and Licensure, Effective July 1, 2000 to July 1, 2003

Dr. Elliott stated that ten positions on the Advisory Board are eligible for appointment or reappointment. The three positions requiring three-year appointments are in the categories of elementary classroom teacher (two positions), and a higher education institution representative from a private school. In addition, seven members of the Advisory Board are eligible for reappointment to a second three-year term.

The Board waived first review. Mrs. Genovese made a motion to accept the nominees for appointment to ABTEL effective July 1, 2000 to July 1, 2003. The motion was seconded by Mrs. Rogers and carried unanimously.

The following members of ABTEL were appointed to a second three-year term:

Mary V. Bicouvaris (Higher Education-Public)
Brenda Duda (Secondary Teacher)
Mark Glaser (Secondary Teacher)
K. Jane Massey-Wilson (Superintendent)
Donna Steven Smith (Middle School Teacher)
Susan Walton (Middle School Teacher)

The following were appointed for an initial three-year term:

Elementary Classroom Teacher Representative
Sharon L. Condrey (Second Grade Teacher and Reading Specialist)
Gertrude A. Jones (Third and Fourth Grade Self-contained Teacher)
Higher Education Private Institute Representative
Mr. Ronald El Diss (Emory and Henry College)
Business Community Representative
Kenneth L. Fleming (Senior Vice-President, Director of Community Affairs, Wachovia Bank)

First Review of Proposed Guidelines for Mentor Teacher Program for Beginning and Experienced Teacher Participation

The Education Accountability and Quality Enhancement Act of 1999, enacted by the 1999 session of the Virginia General Assembly, requires the Board of Education to establish mentor programs utilizing specially trained public school teachers as mentors to provide assistance and professional support to teachers entering the profession and to improve the performance of experienced teachers who are not performing at an acceptable level. The legislation also requires that school boards shall provide each probationary teacher (except probationary teachers who have prior successful teaching experience as determined by the local school board) a mentor teacher during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction.

During the summer of 1999, the Mentor Teacher Task Force developed guidelines for the implementation of mentor programs on a statewide basis. The Report of the Task Force on the Establishment of a Statewide Mentor Program was presented to the Board of Education on November 18, 1999. The report outlined the essential components of a mentor program and recommended funding for statewide implementation.

Mrs. Byler made a motion to accept the proposed Guidelines for Mentor Teacher Programs for Beginning and Experienced Teachers. The motion was seconded by Mr. Christie and carried unanimously.

PUBLIC COMMENT

The following persons spoke during public comment:

Mickey Van Derworker
Roxanne Grossman
Lawrence Cross
Rebecca Lamphere
Vandiere Hodges
Pam Starling
John Bonfadini

DISCUSSION OF CURRENT ISSUES

Dr. DeMary said that the Department, along with help from local school division personnel, has completed three teacher resource guides that will serve as companions to the History Resource Guide. They are the Science SOL Teacher Resource Guide, the Mathematics SOL Teacher Resource Guide, and the English SOL Teacher Resource Guide. These resource guides will be mailed to schools in hard copy and/or CD-ROM. The people who worked on the resource guides will be recognized at the July meeting.

ADJOURNMENT

There being no further business, Ms. Noble adjourned the meeting of the Virginia Board of Education and the Board of Vocational Education at 3:45 p.m.

President

Secretary of the Board